

BILLS NOT PASSED

RELATED TO HEALTH AND HUMAN SERVICES

2007 ANNUAL GENERAL SESSION

Office of Legislative Research and General Counsel 3/20/07

ABORTION

H.B. 139 Parental Consent to Abortion Amendments (*Rep. K. Gibson*)

This bill amends the portion of the Utah Criminal Code relating to proceedings for a minor to seek a court order to obtain an abortion without consent of a parent or guardian.

This bill:

- ▶ requires that a minor who seeks a court order to consent to an abortion without obtaining consent from a parent or guardian shall be physically present at all court and appellate proceedings related to obtaining the court order;
- ▶ requires a court to hold an expedited hearing to determine whether the order described in this bill should be granted;
- ▶ provides that the court order described in this bill may not be granted, or considered granted, based on the failure of a court to hold a hearing or determine whether the order described in this bill should be granted;
- ▶ provides that if a court fails to hold the hearing or make the determination described in the preceding paragraph in an expedited manner, the minor may seek an expedited writ of mandamus from the Utah Supreme Court to compel compliance with the requirements of this bill; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 235 (2nd Sub.) Abortion Law Revisions (*Rep. P. Ray*)

This bill provides for an immediate revision of the portion of the Utah Criminal Code relating to abortion if *Roe v. Wade* is overturned.

This bill:

- ▶ provides that, if *Roe v. Wade* is overturned, the provisions of this bill will immediately be in effect and will supercede conflicting provisions of the Utah Code;
- ▶ provides that, if *Roe v. Wade* is overturned, no person may perform an abortion, unless:
 - it is necessary in order to avert a woman's death or to avert a serious risk to a woman of substantial and irreversible impairment of a major bodily function; or
 - the woman is pregnant as the result of incest or rape that is reported to law enforcement before the abortion is performed;
- ▶ addresses the confidentiality of the name of a victim of incest or rape;
- ▶ provides a severability clause; and
- ▶ includes legislative intent for the appropriations made in this bill.

This bill appropriates:

- ▶ as a one time appropriation, \$173,000; and
- ▶ as ongoing appropriations, \$2,640,600.

AGING

H.B. 214 Senior Permits for State Parks (*Rep. S. Allen*)

This bill allows senior citizens to enter state parks without charge.

This bill:

- ▶ directs the division to establish procedures for a senior permit for state parks.

No monies are appropriated in this bill.

S.B. 61 (1st Sub.) Portability of Medical Assistance Funds (*Sen. E. Mayne*)

This bill amends the Medical Assistance Act to require portability of funds, if necessary, to allow an eligible aged person to receive home or community-based services instead of being placed in, or remaining in, a nursing home.

This bill:

- ▶ defines terms;
- ▶ requires the Department of Health to provide home or community-based services to a Medicaid eligible aged person who is a resident of Utah and who qualifies to be placed in, or remain in, a nursing home, if the person applies to receive the services and the services can be provided at a cost to the state that is equal to, or less than, the cost to the state of maintaining the person in a nursing home;
- ▶ provides for case management in determining the home or community-based services necessary to care for an aged person outside of a nursing home;
- ▶ provides that the Department of Health may contract with the Department of Human Services or other agencies to make the determinations or provide the services described in this bill;
- ▶ provides for the portability of funds, that would have been used to place or maintain a person in a nursing home, to fund the home or community-based services for that person if the waiver funds designated for that purpose are inadequate.

No monies are appropriated in this bill.

S.B. 84 Confidentiality of Reports to Driver License Division (*Sen. A. Christensen*)

This bill modifies the Impaired Persons Licensing Act by amending provisions relating to notifying the division of an impairment.

This bill:

- ▶ provides that a person may notify the Driver License Division if the person is aware of a physical, mental, or emotional impairment of another person that is an imminent threat to driver safety;
- ▶ provides that the Driver License Division may require a person that is the subject of a notification to submit to certain medical reports or certain tests;
- ▶ provides that a notification is a protected record and may not be disclosed by the division if requested;
- ▶ grants the Driver License Division rulemaking authority to establish a procedure to make a protected notification; and
- ▶ provides that it is a class C misdemeanor to make a notification with the intent to annoy, intimidate, or harass a person.

No monies are appropriated in this bill.

CHILD WELFARE

H.B. 208 Child Protection - Gang Association (*Rep. E. Hutchings*)

This bill amends the Juvenile Court Act of 1996 to provide for the protection of children whose parents permit them to be exposed to illegal gang activity.

This bill:

- ▶ defines terms;
- ▶ provides that there is a presumption that reunification services should not be provided to a parent if the court finds, by clear and convincing evidence, that the parent:
 - permits the parent's child to associate with a gang, or any member of a gang, while the gang, or member of the gang, is engaged in criminal conduct in the presence of the child, or associates with a gang, or member of a gang, in the presence of the parent's child while the gang, or member of the gang, is engaged in criminal conduct in the presence of the child; and
 - knew or should have known that the conduct described in the preceding paragraph was occurring; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 213 Driver License - Application of Minor (*Rep. D. Litvack*)

This bill modifies the Utah Human Services Code and the Driver

Licensing Act by amending provisions relating to driver license applications by certain minors.

This bill:

- ▶ provides that if a minor applicant for a temporary learner permit, practice permit, or provisional driver license is in the legal custody of the Division of Child and Family Services, a parent or responsible adult who is willing to assume certain obligations and liability requirements may sign the application;
- ▶ provides that the Office of Licensing within the Department of Human Services shall require a child placing agency that provides foster home services to notify a foster parent of the liability requirements when signing as a responsible adult for a foster child to receive a driver license;
- ▶ grants the Office of Licensing rulemaking authority to establish procedures for a child placing agency to provide the notifications; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 272 Prohibition Relating to Fees on Foster Homes for the Use of Emergency Services (*Rep. W. Harper*)

This bill amends Title 11, Cities, Counties, and Local Taxing Units, to prohibit a local entity from imposing a fee on foster homes for the use of emergency services that is not commensurate with the fees imposed on others.

This bill:

- ▶ defines terms; and
- ▶ prohibits a local entity from imposing a fee on foster homes for emergency services, unless the fee is imposed, at the same rate, on homes that are not foster homes.

No monies are appropriated in this bill.

H.B. 283 Protective Order Amendments (*Rep. L. Fowlke*)

This bill allows for the appointment of a Guardian Ad Litem when a protective order is issued and there are minor children in the home, and prohibits extension of the 20-day period for an ex parte protective order without the respondent's consent.

This bill:

- ▶ gives the court authority to appoint a Guardian Ad Litem when an ex parte protective order is issued and there are minor children between the parties; and
- ▶ prohibits extension of the 20-day hearing period without the respondent's consent if no hearing was held.

No monies are appropriated in this bill.

H.B. 460 (1st Sub.) Child and Family Protection (*Rep. L. Fowlke*)

This bill amends portions of the Utah Criminal Code relating to child abuse and the Pattern of Unlawful Activity Act.

This bill:

- ▶ defines terms;
- ▶ includes child abandonment as a type of child abuse;
- ▶ provides that a person who commits child abandonment, or encourages or causes another to commit child abandonment, or an enterprise that encourages, commands, or causes another to commit child abandonment is:
 - guilty of a class A misdemeanor;
 - if the child abandonment results in physical injury to the child, guilty of a felony of the third degree; or
 - if the child abandonment results in serious physical injury to the child, or the person or enterprise receives any benefit as a result of the child abandonment, guilty of a felony of the second degree;
- ▶ provides that a court may order a person or enterprise to pay the costs of investigating and prosecuting a child abandonment case and the costs of securing a forfeiture provided for in this bill;
- ▶ provides that tangible or pecuniary benefits received from child abandonment are subject to criminal or civil forfeiture; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 468 Transitional Services to Children (*Rep. D. Clark*)

This bill amends the Child and Family Services chapter of the Utah Human Services Code and makes an appropriation to provide transitional services to abused, neglected, or dependant children of bigamist families.

This bill:

- ▶ requires the Division of Child and Family Services, within the Department of Human Services, to provide, or contract to provide, transitional services to abused, neglected, or dependant children of bigamist families; and
- ▶ provides that the provisions of this bill do not prohibit the division from providing child protection or reunification services to an abused, neglected, or dependent person described in this bill.

This bill appropriates:

- ▶ as an ongoing appropriation, \$250,000 from the General Fund.

S.B. 157 Parental Notification of Child Interview by Law Enforcement (*Sen. D. C. Butters*)

This bill amends the Utah Code of Criminal Procedure by requiring parental notification when a child is interviewed by a peace officer.

This bill:

- ▶ defines terms;
- ▶ requires, subject to certain exceptions, that if a peace officer interviews a child, the peace officer shall:
 - provide the child with the officer's name and telephone number; and
 - notify a parent or guardian of the child, within 24 hours after the interview, that the interview took place;
- ▶ provides that failure by a peace officer to comply with the requirements of this bill will be documented in the peace officer's permanent personnel file; and
- ▶ provides that failure to comply with the requirements of this bill is not grounds for suppression of any evidence or statement, or for dismissing a criminal charge or juvenile petition.

No monies are appropriated in this bill.

S.B. 248 (1st Sub.) Parent and Child Amendments (*Sen. C. Bramble*)

This bill establishes public policy regarding in loco parentis.

This bill:

- ▶ defines in loco parentis as a legally recognized, voluntary and temporary delegation of parental power and preserves common law meaning of "in loco parentis";
- ▶ provides that in loco parentis, unless authorized by statute, may not be used to grant parent-time, visitation, custody, legal guardianship, child support, or adoption of a minor child or in a manner that violates public policy;
- ▶ allows a court of competent jurisdiction, under limited circumstances and through clear and convincing evidence, to prevent the termination of an in loco parentis relationship by a parent; and
- ▶ provides that this bill does not affect any established rights of a step parent or grandparent.

No monies are appropriated in this bill.

DISABILITIES

H.B. 49 Pilot Program for Day Support Services (*Rep. R. Menlove*)

This bill establishes a pilot program within the Services for People with Disabilities chapter of the Utah Human Services Code, for the expedited provision of day support services to people with disabilities and their families.

This bill:

- ▶ establishes a pilot program, beginning on July 1, 2007, and ending on July 1, 2009, for the provision of day support services to eligible people with disabilities and their families, outside of the prioritization criteria established by the division for the provision of other services;
- ▶ grants rulemaking authority to the division;
- ▶ describes a person who is eligible to receive expedited services under this bill;
- ▶ provides that the division shall establish criteria to determine

- the order of priority for receiving services under this bill;
 - provides that the services provided under the pilot program described in this bill do not constitute an entitlement and shall be provided and funded separately from the Medicaid program;
 - requires the director of the Division of Services for People with Disabilities to report, for consideration and decision, to the Health and Human Services Interim Committee during the 2008 interim regarding whether the pilot program created by this bill should be modified or converted into an ongoing program;
 - provides, under the Legislative Oversight and Sunset Act, that the pilot program created by this bill will be repealed on July 1, 2009; and
 - makes technical changes.
- No monies are appropriated in this bill.

H.B. 84 (3rd Sub.) Traumatic Brain Injury Fund (Rep. J. Gowans)

This bill creates the Traumatic Brain Injury Fund within the Department of Human Services.

This bill:

- creates the Traumatic Brain Injury Fund within the Department of Human Services to be administered by the executive director;
- directs the executive director to create an advisory committee to make recommendations for expenditures from the fund;
- increases the surcharge on DUIs and other offenses to provide monies for the fund;
- requires at least 50% of the fund to be expended each year to directly assist individuals with traumatic brain injury;
- specifies duties and responsibilities for the Traumatic Brain Injury Advisory Committee; and
- allows for a reimbursement to the courts for expenses related to implementation.

No monies are appropriated in this bill.

H.B. 249 (2nd Sub.) Budget Priority for In-home and Community Based Long-term Care (Rep. E. Hutchings)

This bill amends the Budgetary Procedures Act to require the Legislature to consider prioritizing funding for programs to support in-home and community based support services for adults with long-term care needs.

This bill:

- amends the Budgetary Procedures Act to require the Legislature to consider prioritizing state spending on long-term care needs of adults for in-home and community based support services.

No monies are appropriated in this bill.

H.B. 291 (3rd Sub.) Students Qualifying for Services for Deaf (Rep. K. Sumson)

This bill changes the definition of those eligible for public education services for the deaf.

This bill:

- changes the definition of those eligible for public education services for the deaf; and
- makes technical changes

No monies are appropriated in this bill.

H.B. 312 (1st Sub.) Funding for Department of Health Early Intervention Programs (Rep. S. Urquhart)

This bill provides ongoing funds from beer tax revenues to the Department of Health Childhood Early Intervention Program.

This bill:

- beginning July 1, 2007, creates a restricted account known as the "Childhood Early Intervention Restricted Account";
- deposits the revenue from the beer tax into the restricted account;
- appropriates money from the restricted account to the Department of Health for childhood early intervention programs; and
- requires an annual report from the Department of Health on the use of the money and success of the programs.

No monies are appropriated in this bill.

H.B. 407 Early Immune Testing for Infants and Toddlers (Rep. E. Hutchings)

This bill amends the Health Promotion and Risk Reduction chapter of the Health Code.

This bill:

- establishes an advisory committee within the Department of Health to study issues related to autism and infant and toddler immune system disorders; and
- requires the department to establish a public awareness campaign for parents and health care professionals regarding the causes and risk factors for autism and immune system disorders in infants and toddlers.

This bill appropriates:

- as an ongoing appropriation subject to future budget constraints, \$25,000 from the General Fund for fiscal year 2007-08 to the Department of Health.

DOMESTIC VIOLENCE

H.B. 28 Domestic Violence and Dating Violence Amendments (Rep. D. Litvack)

This bill provides for the issuance, modification, and enforcement of protective orders between certain individuals who are, or have been, in a dating relationship, and for the provision of services to victims of dating violence.

This bill:

- defines terms;
- provides for the issuance, modification, and enforcement of protective orders between parties who are, or have been, in a dating relationship when:
 - the parties are emancipated or 16 years of age or older;
 - the parties are, or have been, in a dating relationship with each other; and
 - a party commits abuse or dating violence against the other party;
- requires the Administrative Office of the Courts to develop and adopt uniform forms for petitions and orders for protection relating to dating violence;
- describes the restrictions that a court may include in a protective order;
- requires the Division of Child and Family Services, within the Department of Human Services, to provide certain services to victims of dating violence;
- describes the conditions that may be placed on an alleged perpetrator of dating violence:
 - in a protective order;
 - in an order of probation for violation of a protective order relating to dating violence; or
 - as a condition of release prior to trial for violation of a protective order relating to dating violence; and
- makes technical changes.

No monies are appropriated in this bill.

HEALTH INSURANCE

H.B. 43 (2nd Sub.) Individual Income Tax Subtractions for Insurance Relating to Medical Care (Rep. J. Dunnigan)

This bill amends the Individual Income Tax Act relating to subtractions from federal taxable income for amounts paid for certain insurance relating to medical care.

This bill:

- modifies an individual income tax subtraction for amounts paid for certain insurance relating to medical care, including:
 - modifying the maximum amount of the subtraction;
 - modifying the type of insurance eligible for the subtraction; and
 - repealing language providing that the subtraction is not allowed for amounts that are reimbursed or funded by certain entities or if a taxpayer is eligible to participate in a health plan maintained and funded in whole or in part by certain employers;

- addresses the subtraction for long-term care insurance; and
- makes technical changes.

No monies are appropriated in this bill.

H.B. 141 Health Insurance and Health Care Payment Amendments
(*Rep. B. Daw*)

This bill establishes the Individual Health Care Financial Responsibility Act which requires every resident of the state to acquire catastrophic health care coverage if the individual has no other health insurance.

This bill:

- creates a high deductible catastrophic plan that complies with the Individual Health Care Responsibility Act within the state's uninsurable high risk pool;
- establishes the Individual Health Care Responsibility Act;
- defines terms;
- beginning January 1, 2009, requires each resident of the state age 18 and over, and the dependents of a resident to have either creditable health care coverage or catastrophic health care coverage;
- establishes the terms of the required catastrophic health care coverage;
- requires a resident to verify coverage as part of the resident's income tax return;
- establishes penalties for not complying with the requirement for catastrophic health care coverage; and
- requires the State Tax Commission to enforce the provisions of the Individual Health Care Financial Responsibility Act.

No monies are appropriated in this bill.

H.B. 152 Small Business Health Plan Task Force (*Rep. S. Mascaro*)

This bill creates the Small Business Health Plan Task Force.

This bill:

- creates the Small Business Health Plan Task Force;
- provides for membership of the task force and compensation for members;
- specifies duties and responsibilities of the task force; and
- specifies issues that the task force will review.

This bill appropriates:

- \$9,280 to the Senate;
- \$18,560 to the House of Representatives; and
- \$180,000 to the Office of Legislative Research and General Counsel to pay for certain studies.

H.B. 163 (3rd Sub.) Options for Health Care (*Rep. J. Dunnigan*)

This bill amends provisions of the Accident and Health Insurance and Health Maintenance Organizations and Limited Health Plans part of the Insurance Code.

This bill:

- reorganizes the provisions of the preferred provider statute;
- allows an insurer to offer different policies of coverage for nonparticipating providers including:
 - a policy that reimburses nonparticipating providers at 75% of the fee schedule for covered services; and
 - other policies that establish other reimbursement and cost sharing as specified in the insurance contract;
- permits discrimination between and among classes of health care providers if certain conditions are met;
- repeals certain restrictions on Health Maintenance Organizations that offer a point of service plan;
- amends definition in the Health Maintenance Organization chapter; and
- makes conforming amendments.

No monies are appropriated in this bill.

H.B. 191 Health Insurance Coverage of Mammography (*Rep. C. Moss*)

This bill requires health insurance providers to cover breast cancer screening mammography.

This bill:

- provides definitions;
- requires that health insurance policies and health maintenance organization contracts cover breast cancer screening

- mammography according to a specified schedule;
- prohibits greater cost sharing for breast cancer screening mammography than other screening or diagnostic procedures; and
- grants rulemaking authority.

No monies are appropriated in this bill.

H.B. 225 Morbid Obesity - Insurance Coverage (*Rep. S. Mascaro*)

This bill amends the Accident and Health Insurance part of the Insurance Code.

This bill:

- defines morbid obesity; and
- requires the insurance commissioner to adopt rules requiring accident and health insurance coverage for treatment of morbid obesity.

No monies are appropriated in this bill.

H.B. 289 Provisions for Health Insurance Equity (*Rep. L. Wiley*)

This bill amends the Accident and Health Insurance part of the Insurance Code to require health insurance policies and health maintenance organization contracts to provide coverage for the cost of prescriptive contraceptives.

This bill:

- requires all health insurance policies and health maintenance organization contracts provide coverage for the cost of prescriptive contraceptives;
- defines contraceptive article; and
- provides a religious exemption for coverage of prescriptive contraceptives.

No monies are appropriated in this bill.

H.B. 294 Benefits and Insurance of Constitutional Officers (*Rep. M. Noel*)

This bill modifies state officer compensation to extend postretirement health insurance coverage to certain state constitutional offices.

This bill:

- provides that a lieutenant governor, attorney general, state auditor, or state treasurer that retires after July 1, 2007, may apply to receive the same postretirement health insurance benefits provided for governors and legislators and their surviving spouses; and
- makes technical changes.

No monies are appropriated in this bill.

H.B. 366 Health Insurance - Screening Coverage (*Rep. C. Johnson*)

This bill requires health insurers to offer coverage for the screening of several types of cancer and other conditions.

This bill:

- requires health insurers to offer coverage for the screening of several types of cancer and other conditions;
- specifies that insurers are not required to cover diagnostic tests as part of the offer of coverage;
- prohibits insurers from imposing cost sharing provisions for the offered screenings greater than those required for other screenings or medical conditions;
- requires an insurer to notify members of a group that a policy does not include coverage for the offered screenings if the offer of coverage was declined; and
- grants rulemaking authority.

No monies are appropriated in this bill.

H.B. 406 Income Tax Credits for Certain Health Insurance Premiums Paid by a Small Employer (*Rep. W. Harper*)

This bill amends the Corporate Franchise and Income Taxes chapter and the Individual Income Tax Act to provide nonrefundable tax credits.

This bill:

- defines terms;
- provides nonrefundable tax credits for certain health insurance premiums a small employer pays during the taxable year for certain employees; and
- grants rulemaking authority to the State Tax Commission.

No monies are appropriated in this bill.

S.B. 66 (3rd Sub.) Employer Health Insurance Options - Cafeteria Plans (Sen. M. Waddoups)

This bill amends the Insurance Code to require certain health insurers to offer a point of service plan to employers and employees.

This bill:

- ▶ defines terms;
- ▶ beginning January 1, 2008, requires health insurers to offer to employers a point of service plan;
- ▶ if an employer chooses a point of service plan, requires an insurer to inform employees of the point of service plan;
- ▶ permits an employer to pass the cost of a point of service plan on to the employee;
- ▶ establishes a reimbursement rate for noncontracted providers;
- ▶ establishes certain requirements for applying out-of-pocket expenses;
- ▶ prohibits an insurer from discriminating against a health care provider under contract with the insurer when the health care provider refers patients with a point of service plan out of network;
- ▶ requires the Insurance Department to report by November 2010 to the legislative Business and Labor Interim Committee concerning point of service plans in the state;
- ▶ coordinates requirements of the point of service plan with the preferred provider contract provisions; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

S.B. 82 Amendments to Utah Comprehensive Health Insurance Pool (Sen. G. Davis)

This bill amends the Comprehensive Health Insurance Pool Act and the taxation of admitted insurers.

This bill:

- ▶ requires a portion of the premium tax paid by admitted insurers to be deposited each year in the Comprehensive Health Insurance Pool Enterprise Fund to maintain the fund's actuarial soundness.

No monies are appropriated in this bill.

S.B. 165 (1st Sub.) Producer and Affiliate Disclosure Amendments (Sen. M. Waddoups)

This bill amends the State System of Higher Education Code and the State System of Public Education Code.

This bill:

- ▶ clarifies that institutions of higher education, public education, and charter schools must follow the state procurement code when obtaining insurance policies; and
- ▶ beginning July 1, 2007, requires an institution of higher education, institutions of public education, and charter schools to issue a request for proposal for insurance policies at least once every two years.

No monies are appropriated in this bill.

S.C.R. 6 (1st Sub.) Resolution Urging States Rights to Innovate Health Care (Sen. G. Bell)

This concurrent resolution of the Legislature and the Governor urges the United States Congress to pass "The Health Partnership Through Creative Federalism Act" during the current congressional session.

This resolution:

- ▶ urges the United States Congress to consider and pass "The Health Partnership Through Creative Federalism Act" during the current congressional session; and
- ▶ urges the members of Utah's congressional delegation to cosponsor and actively pursue passage of this legislation.

S.J.R. 4 (1st Sub.) Resolution Relating to Health Care (Sen. S. McCoy)

This joint resolution of the Legislature proposes to amend the Utah Constitution to add a provision related to health care of residents of the state.

This resolution proposes to amend the Utah Constitution to:

- ▶ require the Legislature to provide for the establishment and maintenance of a state system for providing affordable, medically necessary health care services or insurance.

MEDICAID AND CHIP

H.B. 267 Utah Premium Partnership Program (Rep. K. Holdaway)

This bill amends provisions related to Utah's Medicaid program.

This bill:

- ▶ directs the Department of Health to take steps to promote the Utah Premium Partnership Program.

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$2 million from the General Fund for fiscal year 2007-08 to the Division of Health Care Financing within the Department of Health.

H.B. 444 Promotion of Health Efficiencies (Rep. B. Last)

This bill amends the Medical Assistance Act in the Health Code.

This bill:

- ▶ requires the state Medicaid program to allow the use of telemedicine for certain services that are otherwise reimbursable under the state Medicaid plan; and
- ▶ provides guidelines for reimbursing for telemedicine services.

No monies are appropriated in this bill.

MENTAL HEALTH

H.B. 391 Utah State Hospital Amendments (Rep. R. Lockhart)

This bill provides for the issuance of a request for proposals, and review of the responses, to determine whether the Legislature should direct the Department of Human Services to negotiate a contract with a private entity to operate and manage the Utah State Hospital.

This bill:

- ▶ defines terms;
- ▶ requires the Department of Human Services to issue a request for proposals for the operation and management of the Utah State Hospital, or the operation, management, and construction of a new facility for the Utah State Hospital;
- ▶ provides a timeline and other direction for the request for proposal process;
- ▶ provides for review of the responses to the request for proposals by the Executive Appropriations Committee of the Legislature; and
- ▶ requires the Executive Appropriations Committee of the Legislature to determine whether to recommend legislation for the 2008 General Session directing the Department of Human Services to negotiate a contract with one of the entities that responded to the request for proposals described in this bill.

No monies are appropriated in this bill.

MISCELLANEOUS

H.B. 252 (1st Sub.) Utah Suicide Prevention Act (Rep. W. Harper)

This bill creates a task force to study issues relating to suicide and to determine the best way to prevent suicide in the state. This bill also amends the Utah Human Services Code to impose reporting requirements, and other duties relating to suicide prevention, on certain departments in state government.

This bill:

- ▶ defines terms;
- ▶ states the legislative findings and purposes related to this bill;
- ▶ describes the duties of the Department of Human Services relating to the purposes of this bill, including duties relating to implementing, managing, and updating a statewide suicide prevention plan if the task force determines that a plan should be developed;
- ▶ requires the Department of Health and the Department of Human Services to make an annual report to the Health and Human Services Interim Committee regarding:
 - statistics relating to suicide; and

- the duties described in the preceding paragraph;
- ▶ creates the Utah Suicide Prevention Task Force;
- ▶ describes the task force's membership, duties, and procedures and requirements for operation;
- ▶ provides for compensation of legislators who are members of the task force;
- ▶ provides that the task force will be staffed by the Office of Legislative Research and General Counsel;
- ▶ designates the minimum and maximum number of meetings that the task force may hold;
- ▶ provides for the creation of working or advisory groups to assist in fulfilling the duties of the task force;
- ▶ requires the task force to present a report to the Health and Human Services Interim Committee regarding the determinations of the task force and legislative action that could be taken to prevent suicides in the state; and
- ▶ requires certain government agencies to provide information and recommendations to the task force.

This bill appropriates:

- ▶ \$31,900 in nonlapsing funds from the General Fund for the fiscal year 2006-07 only, to fund the task force.

H.B. 313 Administration of Medication to Students Amendments (Rep. R. Lockhart)

This bill modifies the State System of Public Education Code relating to the administration of medication to students.

This bill:

- ▶ allows school administrators rather than school boards to meet certain requirements;
- ▶ modifies the role of school nurses relating to the administration of medication to students; and
- ▶ makes technical corrections.

No monies are appropriated in this bill.

S.B. 37 (1st Sub.) Sales and Use Tax - Dental Prostheses (Sen. P. Knudson)

This bill amends the Sales and Use Tax Act relating to dental prostheses.

This bill:

- ▶ modifies the definition of "prosthetic device," the sale of which is exempt from sales and use taxation, to include a dental prosthesis;
- ▶ grants the State Tax Commission rulemaking authority to define what constitutes a dental prosthesis if that definition is consistent with the definition of "prosthetic device"; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

PROVIDERS

H.B. 136 Discounts on Medical Health Care (Rep. L. Wiley)

This bill enacts a new part in the Medical Assistance Act of the Health Code which limits the amount a health care provider may charge an uninsured individual.

This bill:

- ▶ defines terms; and
- ▶ beginning July 1, 2007, limits the amount that a health care provider may charge an uninsured individual for health care services.

No monies are appropriated in this bill.

H.B. 230 Child Care Provider Amendments (Rep. G. Donnelson)

This bill amends the Utah Child Care Licensing Act.

This bill:

- ▶ adds citizenship or legal resident status as a requirement for obtaining a residential child care certificate.

No monies are appropriated in this bill.

H.B. 250 Consumer Access to Health Care Charges (Rep. E. Hutchings)

This bill requires health care facilities, physicians, osteopathic physicians, and dentists to provide consumers, when requested, with a list of charges for professional services provided by the

health care provider, and information of any discounts on billed charges.

This bill:

- ▶ amends the Health Care Facility Licensing and Inspection Act to require health care facilities licensed under the act to provide a consumer with information regarding certain charges;
- ▶ amends the Utah Medical Practices Act to require a physician licensed under the act to provide a consumer with information regarding certain charges;
- ▶ amends the Utah Osteopathic Medical Practices Act to require osteopathic physicians to provide consumers with information regarding certain charges; and
- ▶ amends the Dentist and Dental Hygienist Practice Act to require a dentist to provide consumers with information regarding certain charges.

No monies are appropriated in this bill.

H.B. 338 Emergency Room Tort Reform (Rep. B. Last)

This bill establishes a clear and convincing standard of proof for emergency care rendered in an emergency room.

This bill:

- ▶ defines terms;
- ▶ establishes a standard of proof of clear and convincing evidence for malpractice actions based on emergency care received in an emergency room; and
- ▶ applies the standard of clear and convincing evidence after May 15, 2007.

No monies are appropriated in this bill.

H.B. 345 Hospital Lien Amendments (Rep. S. Urquhart)

This bill makes changes to hospital liens.

This bill:

- ▶ reduces the amount that may be claimed for a hospital lien by the hospital's proportionate share of attorney fees and other costs;
- ▶ increases the minimum judgment against which a hospital lien may be filed from \$100 to \$1,000; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 363 Medical Injury Payment Amendments (Rep. P. Ray)

This bill enacts the Utah Birth-Related Neurological Compensation Association Act.

This bill:

- ▶ creates the Utah Birth-Related Neurological Compensation Association Act;
- ▶ makes legislative findings;
- ▶ defines terms;
- ▶ creates an exclusive remedy;
- ▶ provides that an administrative law judge determines claims;
- ▶ provides for the filing of claims and responses;
- ▶ tolls the statute of limitations;
- ▶ provides for hearings, parties, and discovery;
- ▶ creates presumptions, and a process for determining claims;
- ▶ provides for the award of damages;
- ▶ establishes the:
 - conclusiveness of the award;
 - enforcement of the award;
 - limitations on claims;
 - assessment to fund the compensation plan; and
 - operation of the plan;
- ▶ creates the compensation association and membership of the association; and
- ▶ requires notice to patients of the Utah birth-related neurological injury compensation plan.

No monies are appropriated in this bill.

H.B. 440 (1st Sub.) Drug Product Equivalent Amendments (Rep. E. Hutchings)

This bill amends Pharmacy Practice Act provisions governing the substitution of a drug product equivalent for a drug specified in a prescription order.

This bill:

- amends the Pharmacy Practice Act;
- except as specified, prohibits substitution of a drug product equivalent for a drug prescribed to treat or prevent seizures without the prescribing practitioner's authorization; and
- clarifies that the preferred drug list and the generic requirements of the state Medicaid program supercede provisions related to substitutions for seizure medications.

No monies are appropriated in this bill.

S.B. 107 (1st Sub.) Notice of Available Charity Care (*Sen. M. Waddoups*)

This bill amends the Health Care Assistance Act of the Health Code to require notice of available charity care.

This bill:

- requires a nonprofit health care provider to give notice of available charity care to certain patients and to the Department of Health; and
- requires the Department of Health to post the notice of available charity care.

No monies are appropriated in this bill.

S.B. 115 Emergency Medicine Tort Reform (*Sen. S. Killpack*)

This bill establishes a clear and convincing standard of proof for emergency care rendered in an emergency room.

This bill:

- defines terms;
- establishes a standard of proof of clear and convincing evidence for malpractice actions based on emergency care received in an emergency room; and
- applies the standard of clear and convincing evidence after May 15, 2007.

No monies are appropriated in this bill.

S.B. 124 (1st Sub.) Dental Hygienist Licensing Act Amendments (*Sen. M. Waddoups*)

This bill modifies provisions of the Dental Hygienist Licensing Act by expanding the definition of the practice of dental hygiene, defining public health supervision as related to the "practice of dental hygiene," and allowing a dental hygienist to practice dental hygiene health care under general supervision or under public health supervision in specific health care facilities.

This bill:

- expands the definition of the practice of dental hygiene to include administering and prescribing topical medicaments related to and appropriate in the practice of dental hygiene and specifies procedures a dental hygienist may perform under the public health supervision of a dentist;
- defines "public health supervision" to mean practicing dental hygiene according to a protocol established with a consulting dentist; and
- allows a dental hygienist to practice dental hygiene in specific health care facilities under general supervision or public health supervision, with certain qualifications.

No monies are appropriated in this bill.

S.B. 146 (1st Sub.) Prescriptive Practice of Legend Drugs (*Sen. P. Knudson*)

This bill amends the unprofessional conduct and unlawful conduct in the Occupational and Professional Licensing Code regarding the issuance of a prescription for a drug or device.

This bill:

- requires pharmacies that do business as class B or Class D pharmacies over the Internet to meet national standards for Verified Internet Pharmacy Practices; and
- makes technical amendments.

No monies are appropriated in this bill.

S.B. 214 Certificate of Need for Certain Ambulance Services (*Sen. D. Peterson*)

This bill amends the Utah Emergency Medical Services System Act.

This bill:

- creates definitions for:

- 911 ambulance services and non-911 ambulance services;
 - a nonemergency medical condition; and
 - nonemergency medical services;
- establishes a process by which an ambulance provider may apply for a nonexclusive license for non-911 ambulance services within a geographic service area in which the political subdivision is not providing non-911 ambulance services;
 - requires an applicant for a nonexclusive license for non-911 ambulance services to comply with certain provisions of the chapter, including the certificate of need requirements;
 - provides for supervision of the licensee and renewal of the license; and
 - prohibits certain conduct related to solicitation of business.

No monies are appropriated in this bill.

S.B. 243 (1st Sub.) Direct-entry Midwife Amendments (*Sen. M. Dayton*)

This bill amends the Direct-entry Midwife Act.

This bill:

- defines a normal birth for purposes of the practice of direct-entry midwifery; and
- amends the standards of practice to clarify when consultation or transfer is required.

No monies are appropriated in this bill.

PUBLIC HEALTH

H.B. 66 Restricting Regulation of Natural Hot Springs (*Rep. C. Oda*)

This bill amends the Health Code to provide certain exemptions from swimming pool regulations for natural springs.

This bill:

- defines terms; and
- exempts geothermal pools and cold springs from certain health department regulations of public swimming pools.

No monies are appropriated in this bill.

H.B. 140 (1st Sub.) Safe Drinking Water Amendments (*Rep. S. Andersen*)

This bill modifies provisions related to the addition of fluorine or any of its derivatives or compounds to water supplies.

This bill:

- requires the legislative body, special district board, or board of directors of a water system consisting of less than 5,000 connections to give approval before fluorine or any of its derivatives or compounds can be added to the water system.

No monies are appropriated in this bill.

SUBSTANCE ABUSE AND ALCOHOL

H.B. 143 Controlled Substances Amendments - Suda Controls (*Rep. N. Hansen*)

This bill modifies Title 58, Chapter 37, Utah Controlled Substances Act, by amending the regulation of retail sales of products used to make methamphetamine.

This bill:

- establishes ephedrine, pseudoephedrine, norpseudoephedrine, and phenylpropanolamine as Schedule V controlled substances;
- authorizes preparations of ephedrine, pseudoephedrine, norpseudoephedrine, and phenylpropanolamine intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention of disease to be purchased, sold, or transferred without a prescription if:
 - dispensed by a person licensed under Title 58, Chapter 17b, Pharmacy Practice Act; and
 - recorded in the Division of Occupational and Professional Licensure's controlled substance database; and
- authorizes the division to establish rules for reporting transactions of products containing ephedrine, pseudoephedrine, norpseudoephedrine, and phenylpropanolamine.

No monies are appropriated in this bill.

H.B. 162 Illegal Drug Sites Contamination Amendments (Rep. D. Litvack)

This bill modifies the Illegal Drug Site Reporting and Decontamination Act regarding reporting of contaminated sites and the disclosure of contamination in property transactions.

This bill:

- provides that if a report of contamination is made to a local health department by any party other than a law enforcement agency, the party must provide confirmation of the contamination by a certified decontamination specialist; and
- requires law enforcement agencies to report evidence of contamination, in addition to the current requirement to report paraphernalia of clandestine drug labs.

No monies are appropriated in this bill.

H.B. 175 Vehicle Use Regarding Illegal Drugs (Rep. P. Ray)

This bill modifies Title 58, Chapter 37a, Utah Drug Paraphernalia Act, to provide that altering any property to facilitate violation of a controlled substance law is a criminal offense.

This bill:

- provides that modifying any motor vehicle to facilitate the illegal transportation, storage, shipping, or circulation of a controlled substance is a third degree felony; and
- provides that possession of a motor vehicle modified to facilitate violation of an illegal controlled substance law is a class A misdemeanor.

No monies are appropriated in this bill.

H.B. 190 Controlled Substance Schedule Amendment (Rep. P. Ray)

This bill modifies the Controlled Substances Act by adding salvia divinorum as a controlled substance.

This bill:

- adds the herb salvia divinorum to the statutory list of controlled substances; and
- designates salvia divinorum as a Schedule I controlled substance.

No monies are appropriated in this bill.

H.B. 359 Controlled Substance Amendments (Rep. C. Oda)

This bill modifies the Controlled Substances Act regarding controlled substances and drug paraphernalia.

This bill:

- specifies that a plea to a controlled substance violation that is held in abeyance is considered to be a conviction;
- amends language regarding items used to ingest or inhale controlled substances so that it refers to all controlled substances, rather than marijuana, cocaine, and hashish;
- clarifies that a person may be charged for an illegal drug or paraphernalia offense and may also be charged for a violation of any other section of the Controlled Substances Act or the Drug Paraphernalia Act; and
- makes technical changes.

No monies are appropriated in this bill.

H.B. 409 Sentencing of a Pregnant Person for Certain Drug or Alcohol Related Offenses (Rep. E. Hutchings)

This bill requires that, when a person is sentenced for certain drug or alcohol related offenses, if the person was pregnant at the time of the offense, the court shall order that the person participate in drug or alcohol treatment.

This bill:

- requires that when a person is convicted of possession of a controlled substance, or driving under the influence of alcohol, drugs, or a combination of both, or with specified or unsafe blood alcohol concentration, the court shall order, as part of the person's sentence, that the person participate in drug or alcohol treatment, if, at the time of the offense upon which the conviction is based, the person was pregnant; and
- makes technical changes.

No monies are appropriated in this bill.

H.B. 453 Amendments to Driving Under the Influence Provisions (Rep. C. Frank)

This bill modifies provisions relating to driving under the influence violations.

This bill:

- changes the repeal date on restrictions on pleas to driving under the influence violations from July 1, 2008 to July 1, 2007; and
- provides that beginning on July 1, 2007, a plea may not be held in abeyance in any case involving a driving under the influence violation.

No monies are appropriated in this bill.

TOBACCO

S.B. 43 Smoking Ban in Vehicle When a Child Is Present (Sen. S. McCoy)

This bill modifies the Motor Vehicles Code by amending provisions related to smoking in a vehicle when a child is present.

This bill:

- prohibits a person from smoking in a vehicle if a child that is less than five years of age is restrained or is required to be restrained in a child restraint device in the vehicle;
- provides that violating the smoking prohibition is an infraction and has a maximum fine of \$45;
- provides that the court may suspend the fine for a violation if the person proves that the person has enrolled in a smoking cessation program;
- provides that enforcement for the smoking prohibition shall be only as a secondary action; and
- makes technical changes.

No monies are appropriated in this bill.

UNINTENTIONAL INJURIES

H.B. 209 Child Restraint Device Amendments (Rep. T. Cosgrove)

This bill modifies the Motor Vehicles Code by amending provisions relating to child restraint devices and safety belts.

This bill:

- requires that the operator of a motor vehicle shall provide for the protection of a person younger than eight years of age unless the person is 57 inches tall or taller by using a child restraint device;
- requires that the operator of a motor vehicle shall provide for the protection of a person eight years of age or older or 57 inches tall or taller until the person reaches 16 years of age by using an appropriate child restraint device or securing a properly adjusted and fastened safety belt; and
- makes technical changes.

No monies are appropriated in this bill.

S.B. 36 (1st Sub.) Safety Belt Amendments (Sen. P. Jones)

This bill modifies the Motor Vehicles Code by amending negligence provisions concerning the use of child restraint devices and safety belts.

This bill:

- addresses the effect of failure to use a child restraint device or safety belt on a comparative negligence claim;
- allows the failure to use a child restraint device or safety belt to be used as evidence in a civil case on the issues of negligence, injuries, and mitigation of damages; and
- makes technical changes.

No monies are appropriated in this bill.